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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,168	06/14/2001	Cary Lee Bates	ROC920010105US1	6848

7590 04/22/2003

Grant A. Johnson  
IBM Corporation - Dept. 917  
3605 Highway 52 North  
Rochester, MN 55901

EXAMINER

TRAN, QUOC DUC

ART UNIT PAPER NUMBER

2643

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No.	Applicant(s)	
	09/881,168	BATES ET AL.	
	Examiner Quoc D Tran	Art Unit 2643	
<b>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</b>			
<p><b>THE REPLY FILED 27 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</b>          Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <b>only</b> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.</p>			
<b>PERIOD FOR REPLY [check either a) or b)]</b>			
a) <input checked="" type="checkbox"/> The period for reply expires <u>3</u> months from the mailing date of the final rejection. b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than <b>SIX MONTHS</b> from the mailing date of the final rejection. <b>ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</b>			
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
1. <input type="checkbox"/> A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.			
2. <input type="checkbox"/> The proposed amendment(s) will not be entered because: <ul style="list-style-type: none"> <li>(a) <input type="checkbox"/> they raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) <input type="checkbox"/> they raise the issue of new matter (see Note below);</li> <li>(c) <input type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) <input type="checkbox"/> they present additional claims without canceling a corresponding number of finally rejected claims.</li> </ul>			
NOTE: _____.			
3. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.			
4. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).			
5. <input checked="" type="checkbox"/> The a) <input type="checkbox"/> affidavit, b) <input type="checkbox"/> exhibit, or c) <input checked="" type="checkbox"/> request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>they are not persuasive</u> .			
6. <input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.			
7. <input checked="" type="checkbox"/> For purposes of Appeal, the proposed amendment(s) a) <input type="checkbox"/> will not be entered or b) <input checked="" type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.			
The status of the claim(s) is (or will be) as follows:			
Claim(s) allowed: _____.			
Claim(s) objected to: _____.			
Claim(s) rejected: <u>1-20</u> .			
Claim(s) withdrawn from consideration: _____.			
8. <input type="checkbox"/> The proposed drawing correction filed on _____ is a) <input type="checkbox"/> approved or b) <input type="checkbox"/> disapproved by the Examiner.			
9. <input type="checkbox"/> Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). _____.			
10. <input type="checkbox"/> Other: _____			

***Advisory Action***

***Response to Arguments***

1. Applicant's arguments filed 3/27/2003 after Final Rejection have been fully considered but they are not persuasive.

Regarding applicant argument that Cohen et al provide no suggestion of using a stored calling card record, provide no suggestion of any use of calling card, and provide not suggestion of sequentially checking a plurality of predefined options to identify user selected options for the calling card using a stored calling card record, said calling card record storing a calling card number and a time remaining for the calling card; said calling card record includes a plurality of predefined options and each said user selected options for the calling card.

Accordingly, the examiner respectfully disagrees with applicant argument. Cohen et al teach a system and method for providing *budgeted payment of communication services using stored information in the communication system* that provides caller with pre-defined options wherein the budgeted telephone calling time and amount, either *pre-paid or post-paid*, the budgeted amount being *recorded in the system for calling purposes* (see abstract; col. 1 lines 8-35). This clearly suggested the use of *telephone calling account and using the stored calling card record* (corresponding to calling card record). Furthermore, Cohen et al recited, “A data base *stores information in accordance with the caller's telephone number, the information including budgeted calling amount for the caller*. A control processor is responsive to a call initiated by the caller for *accessing the data base to obtain the information* in accordance with the caller's telephone line number and establishing a maximum allowable time for the caller's call based on the information and the destination of the caller's call...The *customer sets* the purchase

limit threshold and determines whether a "Hard-Stop" or a "Soft-Stop" service will be implemented when a budgeted calling monetary amount is about to be exceeded. In a "hard-stop" option." That is, the user can define various options for the account. These options are provided to the user at the beginning of the call or at the time the user purchase the budgeted services. Thus, this clearly read on applicant limitations as claimed. Therefore, the combination of Cohen et al and the fraudulent charges prevention of Wallace teach applicant claimed limitations.

Regarding applicant argument that Jankowitz et al did suggest checking said plurality of predefined options to identify user selected options for the calling card includes the step of checking for use from a specified telephone number being enabled and the step of checking for a limited time for calls being enabled. Accordingly, the examiner respectfully disagrees with applicant argument. Jankowitz et al recited, "The NAI database includes a Customer Account Table containing all line numbers (ANI), Mobile Identification Number (MIN), 10 digit card number, or dialed number) that are to receive NAI treatment, including those customers who are to be denied credit or for ***whom selective blocking and/or threshold are to be provided***...threshold call counters, each of which is associated with a threshold type specified in the Treatment Category Table. These ***threshold call counters track the total number of calls that have accumulated against their associated threshold type***...a Blocked Dialed Telephone Number Table which identifies domestic and international destination telephone numbers to which all call s are to be blocked/denied, regardless of caller and access method... a Selective Blocking Category which identifies destination country and city codes, world zone and area code/exchanges, which are to be allowed and/or blocked" (see abstract; col. 5 line 42 – col. 6 line 56). Thus, this clearly read on applicant limitation as claimed. Therefore, it would have been

obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Jankowitz et al into view of Wallace and Cohen et al in order to increase security and integrity of the calling card network.

Regarding applicant argument that Sawyer et al did not suggest checking said plurality of predefined options to identify user selected options for the calling card includes the step of checking for voice recognition being enabled. Accordingly, the examiner respectfully disagrees with applicant argument. Sawyer et al recited, “At the option of the service provider, indicate that the call has been certified if the call were placed using a telephone calling card with a standard PIN. Alternatively, a more secure variation could be implemented in which the authentication took place in conjunction with a known biometric confirmation mechanism such as a fingerprint scanning, *voice recognition*, iris scanning of the eye, or hand characterization (see col. 2 line 53 – col. 3 line 6). Thus, this clearly read on applicant limitation as claimed. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of sawyer et al into view of Wallace and Cohen et al in order to increase security and integrity of the calling card network.

Regarding applicant argument that Wallace did not suggest checking said plurality of predefined options to identify user selected options for the calling card includes the step of checking for a limited number of calls from a specified telephone number being enabled. Accordingly, the examiner respectfully disagrees with applicant argument. Wallace suggested an example of threshold criteria that include transaction amount, credit limit, *frequency of use*, or the like (see col. 2 lines 4-15). Therefore, this clearly read on applicant limitations as claimed.

Art Unit: 2643

2. Any response to this action should be mailed to:

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Facsimile responses should be faxed to:

**(703) 872-9314**

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.

Quoc D. Tran  
Patent Examiner AU 2643  
April 10, 2003

*SHT*  
**SINH TRAN**  
**PRIMARY EXAMINER**